IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

CRL.A.No. 110 of 2001(B)

CC.579/1997 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE

.....

APPELLANT/COMPLAINANT:

M.SHIBULAL, S/O. UNNEERI,
MOOTHAT HOUSE,VENGERI AMSOM OF
KOZHIKODE TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/ ACCUSED & STATE:

---

1. K.M.SHANKARAN NAMBIAR,
   AJITH NIVAS, KAYATTUCHIRA,
   NORTH BEYPORE, KOZHIKKODE.

2. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.110 of 2001-B

DATED THIS THE 12th July 2007

JUDGMENT

The appellant is the complainant in C.C.No. 579/1997 in the file of the Judicial Magistrate of First Class-I, Kozhikode with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent as he was laid up.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 10-8-2007. The court below shall issue summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

ks.

K.R. UDAYABHANU,J.

==========

CRL.A.NO.110 of 2001-B

JUDGMENT

12-7-2007

==========